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9

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION  
12

13 ANDRE ROSOWSKY, Derivatively  
and on Behalf of CAPSTONE  
14 TURBINE CORP.,

15 Plaintiff,

16 v.

17 DARREN R. JAMISON, NOAM  
18 LOTAN, GARY J. MAYO, GARY D.  
SIMON, ELIOT G. PROTSCH,  
19 HOLLY A. VAN DEURSEN,  
DARRELL J. WILK, RICHARD K.  
20 ATKINSON, JOHN V. JAGGERS,  
JAYME L. BROOKS, and EDWARD  
21 I. REICH,

22 Defendants,

23 and  
24

CAPSTONE TURBINE CORP.,

25 Nominal Defendant.  
26

Case No. 8:17-cv-698 DMG (RAOx)  
NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO F.R.C.P.  
41(a)(1)(A)(I)

27 Pursuant to F.R.C.P. 41(a)(1)(A)(I) and 23.1© of the Federal Rules of Civil  
28 Procedure, Plaintiff Andre Rosowsky hereby gives notice that the above-captioned

1 action is voluntarily dismissed without prejudice against Defendants.

2 Voluntary dismissal is appropriate under Fed. R. Civ. P. 41(a) given that  
3 Defendants have neither answered the Complaint nor filed a motion for summary  
4 judgment. Notice of the voluntary dismissal is not required under Fed. R. Civ. P.  
5 23.1© because neither Plaintiff nor Plaintiff's counsel have received or will receive  
6 any compensation for this dismissal.

7 Dated: May 4, 2017

RESPECTFULLY SUBMITTED,

8 THE BROWN LAW FIRM, P.C.  
9 Timothy W. Brown  
Robert C. Moest, of Counsel

10 By: S/ Robert C. Moest  
11 Robert C. Moest  
Attorneys for Plaintiff